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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FERNANDO GALLEGOS,
13 Petitioner,
14 v.
15 ISIDRO BACA, et al.,
16 Respondents.

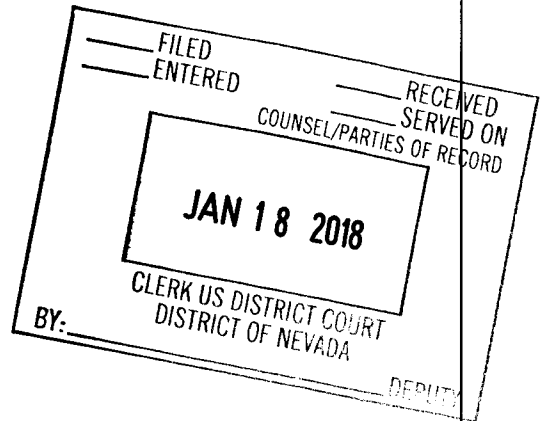
Case No. 3:15-cv-00254-RCJ-VPC

**UNOPPOSED MOTION EXTENSION
OF TIME TO FILE OPPOSITION TO
SECOND MOTION TO DISMISS**

(Second Request)

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18 COMES NOW the Petitioner, Fernando Gallegos, by and through counsel of
19 record, Jason F. Carr, hereby files this request extension of time to file his Opposition
20 to Respondent's Second Motion to Dismiss Petition for Writ of Habeas Corpus.
21 Petitioner requests that this Court grant him an extension of time of three (3) days
22 to file the Opposition making the pleading due on Friday, September 8, 2017.

23 This motion is based upon the attached Points and Authorities and all
24 pleadings and papers on file herein.
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POINTS AND AUTHORITIES

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2 1. On February 16, 2017, this Court issued an Order granting Petitioner's
3 Motion for Leave to File a Third Amended Petition. (ECF No. 39.) On May 4, 2017,
4 Petitioner filed his Third Amended Petition. (ECF No. 42). Respondent's filed their
5 Second Motion to Dismiss on June, 19, 2017. (ECF No. 43). Petitioner's Opposition
6 is currently due September 5, 2017. This is the second request for an extension of
7 time.

8 2. Press of business and the disruption imparted by the Labor Day
9 weekend underlie this request.

10 3. On September 5, 2017, counsel for Petitioner contacted Deputy Attorney
11 General Matthew S. Johnson. Mr. Johnson does not object to this request for a
12 continuance, however the State requests that counsel for habeas petitioners make
13 clear that nothing about the decision not to oppose Petitioner's extension request
14 signifies an implied finding of a basis for tolling any applicable period of limitations
15 or the waiver of any other procedural defense. Petitioner at all times remains
16 responsible for calculating any limitations periods and understands that, in granting
17 an extension request, the Court makes no finding or representation that the petition,
18 any amendments thereto, and/or any claims contained therein are not subject to
19 dismissal as untimely.

20 4. This motion is not filed for the purpose of delay, but in the interests of
21 justice, as well as in the interest of Mr. Gallegos. Counsel respectfully requests that
22 this Court grant the request for an extension of time to file the Opposition to
23 September 8, 2017, in order for the effective and thorough representation of Mr.
24 Gallegos in his federal habeas action.
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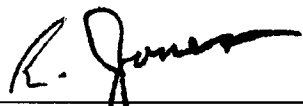
DATED this 5th day of September, 2017.

Respectfully submitted,
RENE L. VALLADARES
Federal Public Defender

/s/ Jason F. Carr

JASON F. CARR
Assistant Federal Public Defender

It is so **Ordered**:



ROBERT C. JONES
United States District Judge

Dated: 1-18-2018